



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. BJ 2008 - 102

EMERGENCY AUTHORITY FOR TRANSPORTATION AND HANDLING OF HUMAN REMAINS DISINTERRED AS A RESULT OF HURRICANES GUSTAV OR IKE

- WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared for Hurricanes Gustav and Ike through Proclamation Nos. 51 BJ 2008 and 52 BJ 2008, respectively;
- WHEREAS,** subsequently, Hurricane Gustav struck the state of Louisiana causing severe damage to the southeastern part of the state that has threatened the safety, health, and security of the citizens of the state of Louisiana;
- WHEREAS,** subsequently, Hurricane Ike struck the state of Texas causing severe flooding and damage to the southwestern part of the state of Louisiana that has threatened the safety, health, and security of the citizens of the state of Louisiana;
- WHEREAS,** widespread damage to cemeteries in Louisiana and Texas have resulted in the scattering of human remains across the hurricane-stricken areas of both states;
- WHEREAS,** approximately 500 caskets with human remains are known to have been disinterred in Louisiana and approximately 60 caskets with human remains are known to have been disinterred in Texas;
- WHEREAS,** the Federal Emergency Management Administration (FEMA) has requested there be an authorization for the transportation of human remains across state lines between Texas and Louisiana under the auspices of the Louisiana State Health Officer and the Disaster Mortuary Operational Response Teams (DMORT) for the purposes of analysis, identification, and ultimate return of those remains to their state of origin;
- WHEREAS,** R.S. 8:651-681 place certain restrictions on the disturbances of final resting places and the transportation of human remains;
- WHEREAS,** R.S. 17:2279-2280 restrict the transportation of human remains across state lines and provide penalties therefore;
- WHEREAS,** R.S. 37:848 requires that human remains be disposed of by licensed funeral establishments;
- WHEREAS,** R.S. 40:4 mandates obtaining a burial transit permit for the purposes of transporting human remains within the state of Louisiana;
- WHEREAS,** 51 L.A.C. XXVI:101 provides for the issuance of burial transit permits under the authority of R.S. 40:4;
- WHEREAS,** 51 L.A.C. XXVI:107 provides for the transportation of human remains in the state of Louisiana;
- WHEREAS,** R.S. 29:724(D)(1) authorizes the governor to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and
- WHEREAS,** the above-noted provisions of the Louisiana Revised Statutes and the Louisiana Administrative Code place restrictions on the transportation and handling of human remains, causing undue delay in coping with the return of human remains to their appropriate resting place in a time of emergency;

NOW THEREFORE, I, Bobby Jindal, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

- SECTION 1:

Pursuant to Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, and more specifically R.S. 29:724(D)(1), that any restrictions on the transportation and handling of disinterred human remains in the following statutory provisions and regulations are hereby suspended for the express purpose of facilitating the handling and transport of human remains disinterred as a result of the devastation wrought by Hurricanes Gustav and Ike: R.S. 8:651-681; R.S. 17:2279-2280; R.S. 37:848; R.S. 40:4; 51 L.A.C. XXVI:101; and 51 L.A.C. XXVI:107.
- SECTION 2:

The State Health Officer is hereby authorized to exercise control over the handling and transport of human remains of individuals that were disinterred as a result of Hurricanes Gustav or Ike.
- SECTION 3:

The State Health Officer is hereby authorized to coordinate efforts to identify, transport, and return the human remains with the coroners in the affected parishes and with DMORT.
- SECTION 4:

The State Health Officer and DMORT are hereby authorized to permit and direct the transportation of disinterred human remains across the Louisiana/Texas state line.
- SECTION 5:

The State Health Officer is hereby authorized and empowered to set up, operate, and control a regional morgue and autopsy facility in collaboration with DMORT in Louisiana to receive, identify, and process the human remains of those individuals that were disinterred as a result of Hurricanes Gustav or Ike.
- SECTION 6:

This Order is effective upon signature and shall be applicable until such time as amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 19th day of September, 2008.

/S/ Bobby Jindal
GOVERNOR OF LOUISIANA

**ATTEST BY
THE GOVERNOR**

/S/ Jay Dardenne
SECRETARY OF STATE